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Washington, Thursday, March 21, 1940

The President

CANCER CONTROL MONTH—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the President is authorized and requested by Public Resolution No. 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month, and to invite the Governors of the several States, Territories, and possessions, of the United States to issue proclamations for like purposes; and

WHEREAS it is also requested in the said Public Resolution No. 82 that the proclamations issued invite the medical profession, the press, and all agencies and individuals interested in the control of cancer through a national program of education and other cooperative means to unite in dedication to such a purpose and by concerted effort to impress its necessity upon the people of the Nation; and

WHEREAS by this dedication of the month of April to a voluntary national program for the control of cancer, the people of the entire country will be acquainted with the progress that is being made by the Federal Government through the United States Public Health Service, by certain of the States and by other agencies, as well as by individuals, in the struggle against this dread disease, which is second among the causes of death in the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim the month of April 1940 as Cancer Control Month, and do invite the Governors of the several States, Territories, and possessions of the United States to issue similar proclamations; and in order that the people throughout the land may have informed knowledge concerning the prevalence of cancer and of the means which can be

taken to control it, I also invite the members of the medical profession, individually and through their associations, other scientific groups, all organs of opinion, including the press, the radio, and the motion picture, and all others who have the interest of the public health at heart, to unite during the month of April 1940 in concerted effort to impress upon the people of the United States the necessity of a national program for the control of cancer to the end that suffering may be relieved and life preserved.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of March, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.
[No. 2389]

[F. R. Doc. 40-1164; Filed, March 20, 1940; 11:51 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER No. 8356 ENTITLED "RULES OF PRECEDENCE RELATING TO FOREIGN SERVICE OFFICERS AND OTHER OFFICERS OF THE UNITED STATES GOVERNMENT"

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that Executive Order No. 8356,¹ of March 2, 1940, entitled "Rules of Precedence Relating to Foreign Service Officers and Other Officers of the United States Government," be, and it is hereby, amended by the substitution of

¹ 5 F.R. 949.

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the word "Foreign" for the word "Federal" in section 5 thereof.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 18, 1940.

[No. 8377]

[F. R. Doc. 40-1150; Filed, March 19, 1940; 3:04 p. m.]

EXECUTIVE ORDER

ESTABLISHING AN AIRSPACE RESERVATION OVER A PORTION OF THE DISTRICT OF COLUMBIA

By virtue of and pursuant to the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 568, 570), the airspace above the following-described portion of the District of Columbia is hereby reserved and set apart for national defense and other governmental purposes, and for public safety purposes, as an airspace reservation within which no person shall navigate a civil aircraft except by special permission of the Civil Aeronautics Authority:

All that area within the City of Washington, D. C., lying within the following described boundary:

Beginning at the southwest corner of the Lincoln Memorial Monument (Lat. 38°53'21" N.; Long. 77°03'02" W.); thence a distance of approximately 0.6 of a mile on a true bearing of approximately 329° to the intersection of the centerlines of New Hampshire Avenue Northwest, and Rock Creek and Potomac Parkway (Lat. 38°53'46" N.; Long. 77°03'23" W.) (identifiable by the Titanic Monument situated on the south side of such Parkway adjacent to the bank of the Potomac River);

thence along the centerline of New Hampshire Avenue a distance of approximately 1.2 miles on a true bearing of approximately 36° to the center of Dupont Circle (Lat. 38°54'35" N.; Long. 77°02'37" W.) (identifiable as the conjunction of New Hampshire Avenue, Massachusetts Avenue, Connecticut Avenue and P Street Northwest, with such Circle);

thence along the centerline of P Street Northwest a distance of approximately 0.7 of a mile on a true bearing of 90° to the center of Logan Circle (Lat. 38°54'35" N.; Long. 77°01'47" W.) (identifiable as the conjunction of Rhode Island Avenue, Vermont Avenue and 13th and P Streets Northwest, with such Circle);

thence a distance of approximately 1.5 miles on a true bearing of approximately 110° to the intersection of the centerlines of K and 2nd Streets Northeast (Lat. 38°54'10" N.; Long. 77°00'13" W.) (identifiable as a point adjacent to the east end of the railroad viaduct over K Street Northeast);

thence a distance of approximately 0.7 of a mile on a true bearing of approximately 160° to the center of Stanton Square (Lat. 38°53'36" N.; Long. 77°00'00" W.) (identifiable as the conjunction of Massachusetts Avenue, Maryland Avenue and 4th, 5th and 6th Streets Northeast, with such Square);

thence a distance of approximately 0.5 of a mile on a true bearing of 180° to the center of Seward Square (Lat. 38°53'10" N.; Long. 77°00'00" W.) (identifiable as the conjunction of Pennsylvania Avenue, North Carolina Avenue and 4th, 5th and 6th Streets Southeast, with such Square);

thence a distance of approximately 0.4 of a mile on a true bearing of approximately 242° to the intersection of the centerlines of New Jersey Avenue, North Carolina Avenue and E Street Southeast (Lat. 38°53'00" N.; Long. 77°00'24" W.) (identifiable as a point adjacent to the smokestack of the Capitol powerhouse);

thence a distance of approximately 1.4 miles on a true bearing of approximately 268° to the center of the railroad bridge over the channel of water connecting the Tidal Basin and the Washington Channel (Lat. 38°52'58" N.; Long. 77°01'57" W.);

thence a distance of approximately 1.1 miles on a true bearing of approximately 295° to the point of beginning.

Any person navigating an aircraft within this airspace reservation in violation of the provisions of this Order will be subject to the penalties prescribed in the Civil Aeronautics Act of 1938 (52 Stat. 973).

This Order supersedes Executive Order No. 7910¹ of June 16, 1938, establishing an airspace reservation over a portion of the District of Columbia.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 18, 1940.

[No. 8378]

[F. R. Doc. 40-1163; Filed, March 20, 1940; 11:44 a. m.]

EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C., sec. 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as Chapter VII thereof:

CHAPTER VII—RECORD BOOKS, ARCHIVES, AND CODES

Record Books

VII-1. *Maintenance of record books in Foreign Service establishments.* The following classes of record books shall be maintained in the various Foreign Service establishments in accordance with such instructions as the Secretary of State may issue:

(a) *At missions:*

- (1) A postage-record book.
- (2) A registered-mail book.
- (3) A general-cash book.

(b) *At all consular offices:*

- (1) A record of fees.
- (2) A fee-stamp ledger.
- (3) A miscellaneous-record book.
- (4) A postage-record book.
- (5) A registered-mail book.
- (6) A general-cash book.
- (7) A record of passport services.
- (8) A record of immigration registration or waiting list.

(c) *At seaport consular offices:*

- (1) All the record books required under subdivision (b) of this section.
- (2) A register of shipping and seamen.
- (3) A record of American seamen relieved.

(d) *At consolidated offices:*

- (1) *All consolidated offices:* All the record books required under subdivisions (a) and (b) of this section.
- (2) *At seaport consolidated offices:* All the record books required under subdivisions (a), (b), and (c) of this section.

¹ 3 F.R. 1437.

(e) At all consular agencies:

- (1) A record of fees.
- (2) A fee-stamp ledger.
- (3) A miscellaneous-record book.
- (4) A general-cash book.

(f) At seaport consular agencies:

- (1) All the record books required under subdivision (e) of this section.
- (2) A register of shipping and seamen.
- (3) A record of American seamen relieved.
- (4) A record of official services to American vessels and seamen.

Archives

VII-2. *Composition of archives.* The archives of Foreign Service establishments shall be comprised of all official documents in the possession of such establishments. The Secretary of State is hereby authorized to define "official documents" for the purposes of these regulations.

VII-3. *Maintenance, preservation, and safeguarding of archives.* Archives of Foreign Service establishments shall be maintained, preserved, and safeguarded in accordance with such rules and regulations as the Secretary of State may prescribe.

Codes

VII-4. *Safeguarding of codes.* The codes in Foreign Service establishments shall be safeguarded in accordance with such rules and regulations as the Secretary of State may prescribe.

Cancellation of Regulations

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

Part I

Section VIII-11.
Chapter XVII.

Part II

Section XXIV-478.
Chapter XXIX.

Revocation of Executive Orders

The following Executive orders are hereby revoked:

Executive Order No. 4463, dated June 26, 1926.

Executive Order No. 5290, dated March 5, 1930.

Executive Order No. 6017, dated February 7, 1933.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 19, 1940.

[No. 8379]

[F. R. Doc. 40-1155; Filed, March 20, 1940; 10:58 a. m.]

EXECUTIVE ORDER

CHANGING THE NAME OF THE COLD SPRINGS RESERVATION TO COLD SPRINGS NATIONAL WILDLIFE REFUGE AND ADDING CERTAIN LANDS THERETO

OREGON

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SEC. 1. The name of the Cold Springs Reservation, in Umatilla County, Oregon, established by Executive Order No. 1032 of February 25, 1909, and enlarged by Executive Order No. 1439 of November 25, 1911, is hereby changed to Cold Springs National Wildlife Refuge.

SEC. 2. Subject to valid rights, the following-described lands, comprising 80.00 acres, more or less, in Umatilla County, Oregon, are hereby included in and reserved as a part of the said Refuge:

Willamette Meridian

T. 5 N., R. 29 E., sec. 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

SEC. 3. The Cold Springs National Wildlife Refuge, as enlarged by this order, consists of all lands owned or controlled by the United States in the following-described area, comprising 2,756.83 acres, more or less:

Willamette Meridian

T. 4 N., R. 29 E.,
sec. 1, fractional NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 2, all;
sec. 3, NE $\frac{1}{4}$, fractional NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

sec. 12, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;

T. 5 N., R. 29 E.,
sec. 34, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$;

sec. 36, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 5 N., R. 30 E.,
sec. 31, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and fractional NW $\frac{1}{4}$ SW $\frac{1}{4}$.

SEC. 4. The lands herein reserved, except the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 34, T. 5 N., R. 29 E., have been withdrawn for reclamation purposes, and their reservation as an addition to the Cold Springs National Wildlife Refuge shall be without interference with their use in connection with reclamation and incidental purposes.

SEC. 5. So far as any of the above-described lands are affected thereby, the reservation made by this order supersedes the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 19, 1940.

[No. 8380]

[F. R. Doc. 40-1156; Filed, March 20, 1940; 10:58 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

COFFEE QUARANTINE

NOTICE OF QUARANTINE NO. 73

Introductory Note

The coffee industry in Puerto Rico established early in the history of the Island has fortunately remained free from at least two of the world's most destructive coffee pests, the coffee berry borer and the coffee rust. The object of the present quarantine is to ensure the continued freedom of Puerto Rican coffee cultures from these and other coffee insects and diseases by prohibiting or restricting entry into the Island of those coffee materials which might be the means of introducing such pests. It is believed that the measures put into effect by this quarantine will attain this end and at the same time provide for as much freedom of movement as would be consistent with safety.

AVERY S. HOYT,
Acting Chief.

§ 319.73 *Notice of quarantine No. 73 on account of coffee pests.* Having found that an injurious coffee insect (*Stephanoderes coffeae* Hgdn. hampei Ferr.), known as the coffee berry borer, and an injurious rust disease due to the fungus *Hemileia vastatrix* B. & Br., not heretofore widely prevalent or distributed within and throughout the United States, exist in various countries and localities throughout the world, I, Henry A. Wallace, Secretary of Agriculture, pursuant to the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended, have determined that, in order to prevent the introduction of the said pests into the Island of Puerto Rico, it is necessary to prohibit or restrict the importation into that Island from all foreign countries and localities of unroasted seeds or beans of coffee (*Coffea* spp.), coffee fruits or berries, and coffee plants and leaves.

Now, therefore, by virtue of the said Plant Quarantine Act, the public hearing required thereby having been duly held, notice is hereby given, first, that on and after April 1, 1940, the importation into the Island of Puerto Rico from all foreign countries and localities of (1) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (2) coffee berries or fruits, and (3) coffee plants and leaves, is prohibited except by the Department of Agriculture

for experimental and scientific purposes, and except for samples of unroasted coffee seeds or beans, and for shipments of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico; and, second, that the importation of samples of unroasted coffee seeds or beans, and importations of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico, shall be made only under the restrictions provided in the rules and regulations supplemental hereto: *Provided*, That individual shipments of materials prohibited or restricted by this quarantine may be exempted from its provisions in whole or in part when it shall have been determined by the Chief of the Bureau of Entomology and Plant Quarantine that entry of the shipment in question may be made without risk of pest introduction.*

Done at the city of Washington this 20th day of March 1940.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 73

Regulation 1

§ 319.73-1 *Permit*. All importations shall be made under permit and only at the port of San Juan.*

Regulation 2

§ 319.73-2 *Inspection and safeguard provisions*. Coffee samples shall not exceed 1 pound in weight and may be imported by mail, freight, express, or baggage. They shall be subject on arrival to inspection and fumigation or such other treatment as the plant quarantine inspector may require.*

Regulation 3

§ 319.73-3 *Restrictions on in-transit shipments*. In-transit shipments to foreign countries shall be subject to the Plant Safeguard Regulations issued October 4, 1932 (§§ 352.2 to 352.8), or as hereafter revised. The same restrictions shall apply to shipments in transit to destinations elsewhere in the United States.*

These rules and regulations shall be effective on and after April 1, 1940.

Done at the city of Washington this 20th day of March 1940.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1161; Filed, March 20, 1940; 11:37 a. m.]

*§§ 319.73 to 319.73-3 issued under authority contained in 37 Stat. 315; 7 U.S.C. 151-167.

[B.E.P.Q. 499 (Supp. 1, Rev.)]

TREATMENT OF NURSERY PRODUCTS, ETC., FOR JAPANESE BEETLE

§ 301.48a *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle*. Further experiments in the use of methyl bromide fumigation for Japanese beetle larvae indicate that the temperature in the dosage schedule provided in circular B.E.P.Q. 499¹ for fumigation of plants with or without soil may be lower than the minimum of 63° F. heretofore required, provided there is a longer period of exposure. The treatment schedules are therefore widened in this revision of Supplement No. 1,² to provide for alternative treatments as specified below.

Circular B.E.P.Q. 499, issued June 9, 1939, is hereby modified by changing subsection (5) on page 13 of the mimeographed circular to read as follows:

(5) Methyl Bromide Fumigation

Equipment. A fumigation chamber, of approved design, equipped with vaporizing, air-circulating, and ventilating systems must be provided.

Application. After the chamber is loaded, the methyl bromide must be vaporized within it. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the plants removed. The ventilating system should also be in continuous operation during the entire period of removal of the fumigated articles.

(i) Fumigation of Plants, With or Without Soil

Temperatures and periods of treatment. The temperature of the soil (with bare root stock, the root spaces) and air must be at least:

1. 63° F. for an exposure period of 2½ hours, or
2. 54° F. for an exposure period of 4 hours, or
3. 50° F. for an exposure period of 4½ hours.

Dosage. Two and one-half pounds of methyl bromide per 1,000 cubic feet, including the space occupied by the load.

Preparation of plants. The treatment is to be applied only to plants with bare roots or in 12-inch pots, or smaller, or in soil balls not larger than 12 inches in diameter nor thicker than 12 inches when not spherical. The soil should not be puddled or saturated. With wet material, drying for a period of 12 hours is advisable before treatment. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil

¹ 4 F.R. 2358.

² 4 F.R. 4495.

balls. While not essential that the balls be completely separated from each other, they should not be jammed tightly together.

Varieties of plants. The list of plants, including greenhouse, perennial, and nursery stock types treated experimentally is subject to continual expansion and, moreover, is too great to include in these instructions. Such a list, including also those which have been injured by the treatment, will be supplied on request.

The schedule for the fumigation of strawberry plants as specified on page 14 of circular B.E.P.Q. 499 remains the same as heretofore.

This supplement supersedes Supplement No. 1, dated November 4, 1939. (Issued under Sec. 301.48) [B.E.P.Q. 499 (Supplement No. 1—Revised), effective March 22, 1940]

[SEAL]

AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 40-1162; Filed, March 20, 1940; 11:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3950]

IN THE MATTER OF JEAN FERRELL, INC.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product*: § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*: § 3.6 (y) *Advertising falsely or misleadingly—Safety*. Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce of respondent's "Concentra" or other similar preparation, which advertisements represent, directly or through implication, that said "Concentra" is a food or a concentrated food, and that with or without the addition of liquids it will constitute a balanced diet, or replace the ordinary diet, will supply deficiencies to the body, will correct organic elements, cause "natural" elimination, correct underweight and overweight, restore or develop a healthy or normal figure, and will remove or eliminate poisons from the body and kidneys, or represent that its use is safe; or which advertisements fail to reveal that the continued use of said preparation over a long period of time would cause excessive purgation and result in serious injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Jean Ferrell, Inc., Docket 3950, March 9, 1940]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Jean Ferrell, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a preparation containing drugs now designated by the name of "Concentra", or any other preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or through implication, that said preparation "Concentra" is a food or a concentrated food; that with or without the addition of liquids it will constitute a balanced diet, or replace the ordinary diet; that it will supply deficiencies to the human body; that it will correct organic elements; that it will cause "natural" elimination; that its use will correct underweight and overweight; that it will restore or develop a healthy or normal figure; that it will remove or eliminate poisons from the body and kidneys or that its use is safe; or which advertisements fail to reveal that the continued use of said preparation over a long period of time would cause excessive purgation and result in serious injury to the health of the user.

It is further ordered, That the respondent shall within ten (10) days after service upon it of this order, file with

the Commission an interim report in writing stating whether it intends to comply with this order, and if so, setting forth in detail the manner and form in which it intends to comply, and that within sixty (60) days after the service upon it of this order, said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1154; Filed, March 20, 1940;
10:12 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50115]

**NEW YORK WORLD'S FAIR 1939 AND
GOLDEN GATE INTERNATIONAL EXPOSITION**

**REGULATIONS AMENDED TO CARRY INTO EFFECT
THE PROVISIONS OF THE JOINT
RESOLUTION OF JANUARY 31, 1940**

FEBRUARY 26, 1940.

**To Collectors of Customs and Others
Concerned:**

Attention is invited to the Joint Resolution of January 31, 1940 (Public Resolution, No. 55, 76th Congress), further amending the Joint Resolutions of August 16, 1937 (50 Stat. 668), and May 18, 1937 (50 Stat. 187), which reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, and for other purposes", approved May 18, 1937, as amended, is amended by striking out the words "within three months" wherever appearing therein and inserting in lieu thereof the words "within six months".

Sec. 2. That the joint resolution entitled "Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937, as amended, is amended by striking out the words "within three months" wherever appearing therein and inserting in lieu thereof the words "within six months".

The regulations contained in (1938) T. Ds. 49447 and 49448 are hereby amended by striking out the words "three months", wherever appearing therein, and inserting in lieu thereof the words "six months".

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-1152; Filed, March 19, 1940;
3:42 p. m.]

13 F.R. 671, 673.

**TITLE 49—TRANSPORTATION AND
RAILROADS**

**CHAPTER I—INTERSTATE COMMERCE
COMMISSION**

**CLASSIFICATION OF ACCOUNTS FOR STEAM
ROADS**

MODIFICATION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of March, 1940.

The matter of modifying the Classification of Income, Profit and Loss and General Balance Sheet Accounts for Steam Roads being under consideration pursuant to the authority contained in Section 20 of the Interstate Commerce Act, and, being fully advised in the premises, the Commission orders:

1. That the texts of account 503, "Hire of freight cars—Credit balance," and account 536, "Hire of freight cars—Debit balance," be and are hereby modified by eliminating the part following (2) and substituting therefor:

amounts payable accrued for the use of the freight cars of others, leased for less than one year, or interchanged. (See general instructions, Section 2.)

2. That this order shall become effective on the first day of April, 1940.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-1157; Filed, March 20, 1940;
11:02 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

**IN THE MATTER OF APPLICATION FOR THE
EXEMPTION OF THE CLEANING, BAGGING
AND HANDLING OF SUGAR BEET SEED
FROM THE MAXIMUM HOURS PROVISIONS**

Whereas application was filed by the Western Seed Production Corporation of Phoenix, Arizona, for the exemption of the cleaning, bagging, and handling in cleaning plants of sugar beet seed from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder, and

Whereas the Administrator published a preliminary determination in the FEDERAL REGISTER of February 21, 1940 (5 F.R. 728), pursuant to § 526.5 (b) (ii) of the Regulations that a *prima facie* case was shown by the application for the granting of an exemption pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the cleaning, bagging,

and handling in cleaning plants of sugar beet seed, and

Whereas no objection or request for hearing was received by the Administrator within the fifteen days following the publication of said preliminary determination,

Now, therefore, pursuant to § 526.5 (b) (ii) of the Regulations, the Administrator hereby finds upon the *prima facie* case shown in the said application that the cleaning, bagging, and handling in cleaning plants of sugar beet seed is a seasonal industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 15 day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers,
Administrator.

[F. R. Doc. 40-1151; Filed, March 19, 1940;
3:04 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 2-401 (B)-2, 2-401 (B)-3, 199, 193, 206, and 130]

IN THE MATTER OF THE APPLICATIONS OF CONTINENTAL AIR LINES, INC., BRANIFF AIRWAYS, INC., ESSAIR, INC., AND A. J. BURKE FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Continental Air Lines, Inc., for certificates of public convenience and necessity authorizing air transportation between El Paso and San Antonio, via Marfa, Alpine and Uvalde, Texas, and between Pueblo, Colo., and El Paso, Tex., via Dalhart, Amarillo and Lubbock, Tex., and Roswell, Hobbs, and Carlsbad, N. Mex.; the applications of Braniff Airways, Inc., for certificates authorizing air transportation between San Antonio and El Paso, Texas, via Brackettsville, Dryden, and Marfa, Texas, and between Denver, Colo., and Laredo, Texas, via Colorado Springs and Pueblo, Colo., Amarillo, Lubbock, Big Spring, San Angelo, and San Antonio, Tex.; the application of Essair, Inc., for a certificate authorizing air transportation between Amarillo and Houston, Tex., via Lubbock, Big Spring, San Angelo and Austin; and the application of A. J. Burke for a certificate authorizing air transportation between San Antonio and Laredo, Texas, now assigned for public hearing on April 8, 1940, is hereby postponed to April 15, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., March 19, 1940.

[SEAL] THOMAS L. WRENN,
Examiner.

[F. R. Doc. 40-1158; Filed, March 20, 1940;
11:16 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5602]

IN THE MATTER OF THE NEVADA-CALIFORNIA ELECTRIC CORPORATION

NOTICE OF APPLICATION

MARCH 20, 1940.

Notice is hereby given that on March 19, 1940, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by The Nevada-California Electric Corporation, a corporation organized under the laws of the State of Delaware and doing business in the States of California, Nevada and Arizona, with its principal business office at Riverside, California, seeking an order authorizing the sale and transfer to the City of Los Angeles, a municipal corporation organized and existing under a freeholders' charter adopted pursuant to the Constitution of the State of California, of its distribution systems in the unincorporated Town of Big Pine and the incorporated City of Bishop in Inyo County, California, including the properties and rights thereunder, or in the alternative an order disclaiming jurisdiction in the premises; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 3rd day of April 1940, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1165; Filed, March 20, 1940;
11:52 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[Docket No. 1898]

IN THE MATTER OF MANHATTAN HAT COMPANY, INC., ET AL.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant

to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 28, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1159; Filed, March 20, 1940;
11:21 a. m.]

RAILROAD RETIREMENT BOARD.

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED REVISION OF REGULATIONS ON TIME LOST CLAIMS

Notice is hereby given to all persons interested that pursuant to the authority vested in me by Board Order 40-39, dated January 23, 1940 (5 F.R. 344-766) the hearing to be held on proposed revision of regulations on time lost claims, scheduled for April 2, 1940, is postponed to Wednesday, April 10, 1940, at 10:00 a. m., at the offices of the Board, 10th and U Streets, Northwest, Washington, D. C. Any party interested therein may appear and may, prior thereto, on request, receive from the Chairman, copy of a statement on the proposed revision. By Authority of the Board.

MURRAY W. LATIMER,
Chairman.

Dated, March 20, 1940.

[F. R. Doc. 40-1153; Filed, March 20, 1940;
9:29 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, MARCH 15, 1940

Important: Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are

local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands.....	9	0
2. Puerto Rico.....	647	45
3. Hawaii.....	154	17
4. Alaska.....	25	8
5. California.....	2,380	852
6. Texas.....	2,442	990
7. Louisiana.....	881	417
8. Michigan.....	2,030	978
9. Arizona.....	183	98
10. South Carolina.....	729	409
11. New Jersey.....	1,694	987
12. Ohio.....	2,786	1,689
13. Mississippi.....	842	514
14. Alabama.....	1,109	687
15. Oklahoma.....	1,004	635
16. Arkansas.....	777	493
17. Georgia.....	1,219	794
18. Kentucky.....	1,096	732
19. North Carolina.....	1,329	912
20. New Mexico.....	177	122
21. Tennessee.....	1,097	837
22. Illinois.....	3,199	2,510
23. Wisconsin.....	1,232	1,011
24. Connecticut.....	674	582

State	Number of positions to which entitled	Number of positions occupied	
IN ARREARS—Continued			
25. Nevada.....	38	33	
26. Indiana.....	1,358	1,183	
27. Delaware.....	100	88	
28. Idaho.....	187	169	
29. Florida.....	615	569	
30. Oregon.....	400	371	
31. Wyoming.....	95	91	
32. Vermont.....	151	145	
33. Washington.....	655	634	
34. Montana.....	225	218	
35. Colorado.....	434	433	
36. Pennsylvania.....	4,037	4,032	
37. Missouri.....	1,521	1,520	
QUOTA FILLED			
38. New Hampshire.....	195	195	
IN EXCESS			
State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
39. West Virginia.....	725	726	+2
40. Maine.....	334	335	+17
41. Massachusetts.....	1,781	1,812	+41
42. New York.....	5,277	5,413	+311
43. Rhode Island.....	288	299	-18
44. North Dakota.....	285	298	-23
45. Kansas.....	788	824	-26
46. Utah.....	213	223	+11
47. Minnesota.....	1,075	1,162	-58

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN EXCESS—Continued			
48. South Dakota.....	290	320	-3
49. Iowa.....	1,036	1,156	-23
50. Nebraska.....	578	711	+3
51. Virginia.....	1,015	2,050	-29
52. Maryland.....	684	2,090	+15
53. District of Columbia.....	204	8,884	-9

GAINS			
By appointment.....			1,069
By transfer.....			2
By correction.....			1
Total.....			1,072

LOSSES			
By separation.....			82
By transfer.....			111
By correction.....			2
Total.....			195
Total appointments.....			52,303

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,471.

By direction of the Commission.

L. A. MOYER,
Executive Director
and Chief Examiner.

[F. R. Doc. 40-1160; Filed, March 20, 1940; 11:33 a. m.]

